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Attorney Docket No. 9060-221

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Robert W. Johnson, Jr.

Group Art Unit: 2836

Serial No.: 10/790,604

Examiner: To Be Assigned

Filed: March 1, 2004

Confirmation No.: 9585

For: POWER SUPPLY LOADING INDICATORS AND METHODS

Date: May 28, 2004

Office of Patent Legal Administration  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO ACCORD THE PROPER FILING DATE**

Sir:

As set forth in 37 CFR § 1.10(c) and MPEP § 506.02, Applicant hereby petitions to grant the proper filing date of March 1, 2004 rather than March 2, 2004 for the above-identified patent application as this was the date the application was deposited as "Express Mail" in the U.S. Postal Service. The following is enclosed as evidence of March 1, 2004 being the correct filing date for the application, which was properly filed under 37 C.F.R. § 1.10:

1. A true and accurate copy of the Cover Sheet for the Application showing the Express Mail signature and date on Page 2;
2. A true and accurate copy of the Express Mail Receipt along with a copy of the USPS-Track & Confirm from the web page ([www.usps.com](http://www.usps.com)), showing "acceptance" or deposit date with the USPS at 5:51 p.m. on March 1, 2004; and
3. A true and accurate copy of our return post card and of the official filing receipt for this application, sent by the United States Patent and Trademark Office, showing that Applicant was improperly given the filing date of March 2, 2004 instead of the Express Mail date of March 1, 2004.

This petition is being filed promptly after Applicant became aware of the improperly accorded filing date. Accordingly, Applicant respectfully requests the granting of March 1, 2004 as the filing date pursuant to 37 CFR § 1.10.

On the basis that Applicant properly followed the requirements of 37 CFR § 1.10 and the USPTO failed to accord the proper filing date under MPEP § 505 and thus the need to file

In re: Robert W. Johnson, Jr. et al.

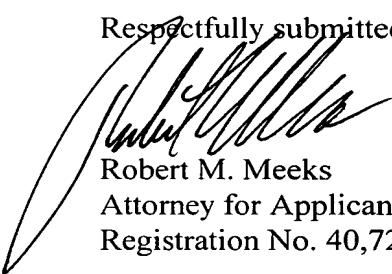
Serial No.: 10/790,604

Filed: March 1, 2004

Page 2

this petition is due to error on the part of the USPTO, it is applicant's belief that no fee is due with this petition. However, the Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-0220.

Respectfully submitted,

  
Robert M. Meeks  
Attorney for Applicants  
Registration No. 40,723

**USPTO Customer No. 20792**

Myers Bigel Sibley & Sajovec

Post Office Box 37428

Raleigh, North Carolina 27627

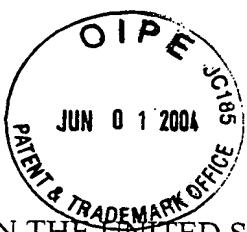
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Candi L. Riggs



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY DOCKET NO.: 9060-221  
DATE: March 1, 2004

**UTILITY PATENT APPLICATION TRANSMITTAL LETTER  
AND FEE TRANSMITTAL FORM (37 CFR § 1.53(b))**

Mail Stop PATENT APPLICATION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing under 37 CFR § 1.53(b) is:

a patent application  
 a Continuation     a Divisional     a Continuation-in-Part (CIP)    Application of prior application no.: \_\_\_\_\_; filed \_\_\_\_\_, the disclosure of which is incorporated herein by reference in its entirety.  
 and claims the benefit of Provisional Application No. \_\_\_\_\_; filed \_\_\_\_\_.

Inventor(s) or Application Identifier:

**Robert W. Johnson, Jr. – Raleigh, North Carolina**  
**Dinesh Shah – San Diego, North Carolina**

Entitled: **POWER SUPPLY LOADING INDICATORS AND METHODS**

Myers Bigel Sibley & Sajovec, P.A.  
P. O. Box 37428  
Raleigh, North Carolina 27627  
Telephone: (919) 854-1400  
Facsimile: (919) 854-1401  
Customer No. 20792

Enclosed are:

1.  Application Transmittal Letter and Fee Transmittal Form (*A duplicate is enclosed for fee processing*)
2.  12 pages of Specification (including 37 claims)
3.  6 sheets of Formal Drawings (35 USC 113)
4.  Oath or Declaration
  - a.  newly executed (*original or copy*)
  - b.  copy from prior application (37 CFR 1.63(d)) (*for continuation/divisional*) [Note Box 6 Below]
  - c.  DELETION OF INVENTOR(S) (*Signed statement deleting inventor(s) named in the prior application*)
5.  Application Data Sheet. See 37 CFR 1.76
6.  Incorporation By Reference (*useable if box 4b is checked*)

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

7.  Microfiche Computer Program (*Appendix*)  
 8.  Assignment papers (*cover sheet(s) and document(s)*)  
 9.  Applicant claims small entity status. See 37 CFR § 1.27.  
 10.  Information Disclosure Statement, PTO-1449, and 2 non-patent references cited  
 11.  Preliminary Amendment (*Please enter all claim amendments prior to calculating the filing fee.*)  
 12.  English Translation Document  
 13.  Certified Copy of Application No. ; Filed  
 14.  Sequence Listing/ Sequence Listing Diskette
 

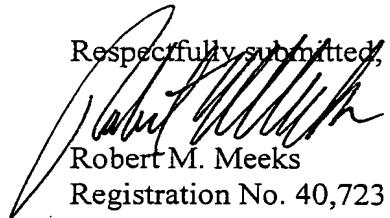
- a.  computer readable copy
- b.  paper copy
- c.  statement in support

 15.  An Associate Power of Attorney  
 16.  Return Receipt Postcard (MPEP 503) (*Should be specifically itemized*)  
 17.  Deletion of Inventor(s) (Signed statement attached deleting inventor(s) name in the prior application. See 37 CFR 1.63(d)(2) and 1.33(b).)  
 18.  Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form.  
 19.  Other:

The fee has been calculated as shown below:

	Column 1 No. Filed	Column 2 No. Extra	Small Entity Rate	Large Entity Rate
<b>BASIC FEE</b>			\$385.00	\$ 770.00
TOTAL CLAIMS	37 - 20 =	17	x 09 = \$	x 18 = \$ 306.00
INDEP CLAIMS	5 - 3 =	2	x 43 = \$	x 86 = \$ 172.00
<input type="checkbox"/> MULTIPLE Dependent Claims Presented			+ 145 = \$	+ 290 = \$
<i>If the difference in Col. 1 is less than zero, Enter "0" in Col. 2</i>			Total \$	Total \$1,248.00

A check in the amount of \$ to cover the filing fee is enclosed.  
 A check in the amount of \$1,288.00 is enclosed to cover the filing fee, PLUS the Assignment Recordation fee (\$40.00).  
 Please charge my Deposit Account No. 50-0220 in the amount of \$  
 The Commissioner is hereby authorized to credit overpayments or charge the following fees associated with this communication to Deposit Account No. 50-0220:  
 a.  Additional filing fees under 37 CFR 1.16 for presentation of extra claims.  
 b.  Additional patent application processing fees under 37 CFR 1.17.

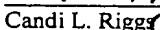
  
 Respectfully submitted,  
 Robert M. Meeks  
 Registration No. 40,723

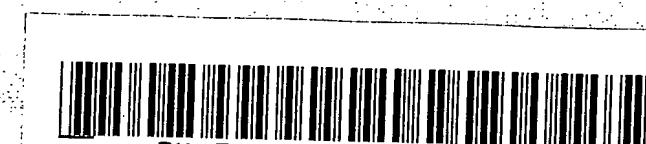
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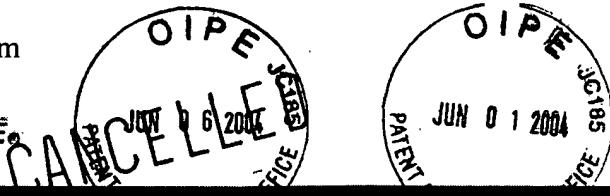
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9060-221  
March 1, 2004

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Sir: Kindly acknowledge receipt of the accompanying by placing your receiving date stamp hereon and mailing:

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Respectfully submitted,  
MYERS BIGEL SIBLEY & SAJOVEC

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03-10-04 A 22581 U.S. PTO 9060-221  
10790604 March 1, 2004

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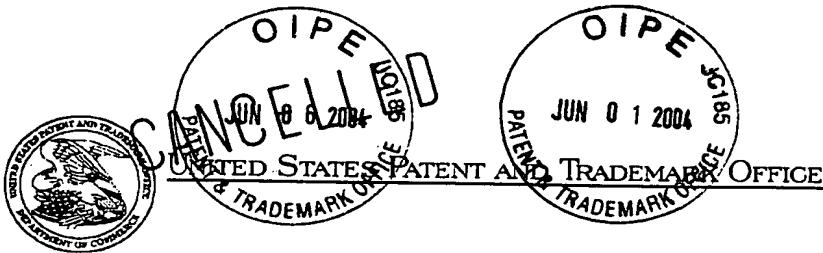
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Respectfully submitted,  
MYERS BIGEL SIBLEY & SAJOVEC

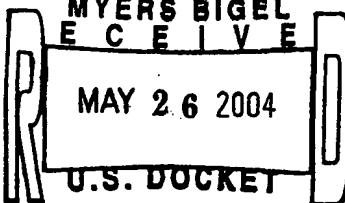
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10/790,604	03/02/2004	2836	1248	9060-221	6	37	5

Robert M. Meeks  
Myers Bigel Sibley & Sajovec  
Post Office Box 37428  
Raleigh, NC 27627



CONFIRMATION NO. 9585  
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\*OC000000012750917\*

Date Mailed: 05/24/2004

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#### Applicant(s)

Robert W. Johnson JR., Raleigh, NC;  
Dinesh Shah, San Diego, CA;

#### Domestic Priority data as claimed by applicant

#### Foreign Applications

If Required, Foreign Filing License Granted: 05/20/2004

Projected Publication Date: 09/08/2005

Non-Publication Request: No

Early Publication Request: No

#### Title

Power supply loading indicators and methods

#### Preliminary Class

307

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